

REMARKS

The examiner's refusal to enter the amendment after final mailed August 12, 2004, is not understood. The examiner states that the limitations of claim 9 inserted into claim 1 would require further search and consideration since they were not searched and addressed in the final office action. Is it the examiner's position that claim 9 has never been properly searched and considered?

In the final rejection, paragraph four, claims 1, 3-6 and 8-10 (which includes claim 9) were rejected over Johnson in view of Klapper. In the examiner's action mailed November 20, 2003, paragraph two, claims 1, 3, 4 and 8-10 were rejected over Johnson in view of Klapper. Claim 9 clearly is included within those rejections.

Claim 9 was dependent on claim 1. Thus, claim 1 as attempted to be amended would be equivalent to former claim 9.

The only conceivable way amended claim 1 could raise new issues is if claim 9 had never previously been properly examined.

A more complete explanation of the examiner's refusal to enter the amendment after final rejection is respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

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